

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION,

Plaintiff,

-against-

11 Civ. 0691 (LAK)

STEVEN DONZIGER, et al.,

Defendants.

-----X

**SPECIAL MASTERS' INTERIM REPORT NO. 1**

Pursuant to Paragraph 2(e) of the Court's Order of appointment dated March 26, 2013, ECF No. 942, we hereby issue our first Interim Report, dealing with the depositions to be held at the United States Embassy in Lima, Peru.

By email dated Sunday, April 28, 2013, Mr. Veselka, counsel for defendants Camacho and Piaguaje, wrote to Mr. Weitzman, counsel for Chevron, to inform Mr. Weitzman that defendants planned to withdraw their notices of deposition for the following witnesses: Messrs. Guerrero, Racines, Campuzano, Carvajal, and Cuirpoma, whose depositions were noticed by defendants, and Ms. Centeno, whose deposition was cross-noticed. Mr. Weitzman forwarded that email to us on that same date, and requested that we convene a conference call the following day to address several issues, including primarily scheduling issues, that arose as a result of Mr. Veselka's April 28 email.

We held a conference call with the parties on April 29, 2013; the relevant portions of the transcript of that call are attached hereto as Exhibit A. During the call, Mr. Veselka

confirmed that defendants had indeed withdrawn their deposition notices with respect to the above-referenced witnesses:

MR. VESELKA: . . . We were advising [Chevron] that we were going to withdraw our notice and all our withdrawals will get filed today.

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SPECIAL MASTER KATZ: So with the understanding that it now appears from what I can see that we have the two defendants to be deposed, Mr. Reyes and if he shows up Mr. Zambrano, correct?

MR. VESELKA: Which we hope to be able to confirm something as soon as possible.

SPECIAL MASTER KATZ: Well, we will talk about that. So am I correct those are the only depositions people intend to go forward with in Lima?

MR. VESELKA: That is my understanding, yes, sir, on behalf of Camacho and Payaguaje, yes, sir.

MR. MASTRO: Yes.

4/29/13 Conf. Call Tr. at 9:3-6, 16:5-21. During that same call, Mr. Mastro, on behalf of Chevron, confirmed that Chevron would not seek to depose Ms. Centeno if she was not going to appear to be deposed by defendants. See id. at 5:21-24 ("we simply wanted to preserve our rights to cross-examine her if she did appear").

The depositions of Messrs. Reyes, Camacho and Piaguaje—and, if he appears, Mr. Zambrano—will be taken at the Embassy in Lima during the week of May 13.

Respectfully submitted,

/s/ Theodore H. Katz  
Theodore H. Katz, Special Master

/s/ Max Gitter  
Max Gitter, Special Master

Dated: May 10, 2013  
New York, New York

**Exhibit A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
11 CIV 0691 (LAK)

In re:

## APPLICATION OF CHEVRON

Via Teleconference  
New York, New York

April 29, 2013

TRANSCRIPT OF PROCEEDINGS

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1  
2 APP E A R A N C E S :

3  
4 GIBSON DUNN & CRUTCHER LLP  
5 200 Park Avenue  
6 New York, New York 10166  
7 Attorneys for Plaintiff  
8 BY: RANDY MASTRO, ESQ.  
ANDREA E. NEUMAN, ESQ.  
REBECCA GRAY, ESQ.

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12 SMYSER KAPLAN & VESELKA, LLP  
13 Bank of America Center  
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15 Houston, Texas 77002  
16 Attorneys for Defendants  
17 Javier Piaguaje Payaguaje,  
18 Hugo Gerardo and Camacho Naranjo  
19 BY: LARRY R. VESELKA, ESQ.  
JAROD STEWART, ESQ.

Page 3

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2 A P P E A R A N C E S: (Continued)

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Westfield, New Jersey 07090

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Attorneys for Defendants

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Javier Piaguaje Payaguaje,

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Hugo Gerardo and Camacho Naranjo

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By: JULIO C. GOMEZ, ESQ.

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12

13 ALSO PRESENT:

14

HON. THEODORE H. KATZ (Ret.),

15

Special Master

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MAX GITTER, ESQ., Special Master

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JUSTIN ORMAND, ESQ., Assistant to

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Special Master

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## Transcript of Proceedings

2 Honors, we sent a notice of an  
3 intention to depose her. I think that  
4 Mr. Veselka will be able to tell us.

5 It's their witness. She works for  
6 Selda Viva.

7 MR. VESELKA: No, she doesn't.

1 Transcript of Proceedings  
2 and be efficient with the time in  
3 Lima. We were advising them that we  
4 were going to withdraw our notice and  
5 all our withdrawals will get filed  
6 today.

10 MR. MASTRO: Well, the other  
11 withdrawn depositions are Chevron  
12 witnesses, so they are confirming that  
13 they are withdrawing depositions. And  
14 I want it understood that they can't  
15 go back later and say just before  
16 trial now we want to depose those  
17 because we are calling all those  
18 witnesses at trial. So they are  
19 waiving the right to call those  
20 witnesses period.

1 Transcript of Proceedings  
2 their position and you have gotten our  
3 position, the Special Masters'  
4 position.